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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,258	03/13/2002	Siani Lynne Pearson	B-4528PCT 619575-6	9281

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EXAMINER

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/088,258

Applicant(s)

PEARSON ET AL.

Examiner

Matthew Heneghan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,5-10,15-17 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,5-10,15-17 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/17/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. It has been determined that in the previous office action, the preliminary amendment filed 13 March 2002 was not considered. The preliminary amendment is to be found in the electronic file wrapper in item TRTC, filed 13 March 2002. The claims, specification, and drawings are therefore being reconsidered. This action is non-final.
2. In the preliminary amendment filed 13 March 2002, claims 1, 2, 4, 11-14, and 18 were cancelled; claims 3, 5-10, 15-17, 19, and 21-23 were amended; and claims 25-29 were added. Claims 3, 5-10, and 15-17, and 19-29 have been examined.

### ***Information Disclosure Statement***

3. The following Information Disclosure Statements in the instant application have been fully considered:

IDS filed 17 March 2006.

### ***Specification***

4. The abstract of the disclosure is objected to because it is not a single paragraph. Correction is required. See MPEP § 608.01(b).

***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: items 2600 and 2605 on page 12, line 20; items 360 and 361 on page 16, lines 28-30; item 106 on page 29, line 4; and item 1102 on page 30, line 26.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: figure 3, item 330; figure 7, item 410; figure 8, item 118; figure 10, items 1002 and 1108; and figure 11, item 1135.
7. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

8. Claims 25, 28, and 29 are objected to because of the following informality:

The word "unauthorised" is not spelled using the American spelling.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 3, 5-7, 9, 15-17, 19-22, 25, 26, 28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,157,719 to Wasilewski et al.

As per claims 25 and 29, Wasilewski discloses an access system using set-top boxes (DHCT) wherein each set-top box is connected to a display (a television set), receives encrypted programming (secure communication) requested from a media server (see column 4, lines 18-52 and 55-58 and column 15, line 14), solely for display on the television, if so authorized. Memory contains code for receiving and displaying images (see column 21, lines 28-40). The set-top box decryption service is driven by the

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DHCT's DHCTSE, which is in tamper-proof packaging (see column 15, line 44 to column 16, line 3).

As per claims 26 and 28, a control suite, embodied in software (and therefore inherently executed from memory) is responsible for sending images from the head-end unit. Means are disclosed for authenticating recipient DHCTs and their public keys (see column 16, line 18 to column 17, line 19). The server contains a system for granting entitlements, based upon client authentication, a "TED," which may be embodied in tamper-resistant packaging (see column 40, lines 30-44).

As per claims 3 and 7, the DHCTSE uses digital signatures and certificates to allow the verification of the DHCT's integrity (see column 47, line 15 to column 48, line 29).

As per claim 5, the image produced by the DHCT is only output to the television set.

As per claim 6, a secure arrangement in the DHCT allows for the user to order specific programming (see column 12, line 41 to column 13, line 2).

As per claims 9, 17, and 22, the DHCTSE may be embodied on a token such as a smart-card (see column 21, lines 11-14) that is user-installable, that certifying that the user has proper permission. A smart-card reader is therefore inherent, as it is necessary for using the smart-card.

As per claims 15 and 21, the customer may order pay-per-view events for execution on the client platform. The DHCTSE maintains data on pending purchases of

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events (images), which it maintains until the events are actually received (see column 30, line 58 to column 31, line 10):

Regarding claim 16, an ordered pay-per-view event can only be effected in real-time if there is code being executed at the server (to transmit the data stream) and at the client (to receive the data stream).

As per claim 19, the images sent by the server are encrypted in accordance with the DHCT's public key (the MSK), which is changed periodically (see column 6, lines 56-67). Note: Applicant's specification suggests no other type of client-specific image modification.

Regarding claim 20, the DHCT's public keys change as necessary, and viewing of images is effectively unlimited.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,157,719 to Wasilewski et al. as applied to claims 25 and 26 above, and further in view of U.S. Patent No. 6,236,971 to Stefik et al.

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Regarding claim 27, though Wasilewski discloses a client trusted component, no corresponding server trusted component is disclosed.

Stefik discloses a client data repository that acquires data from a server data repository (see column 26, lines 24-27) including a hardware embodiment for each repository such that each is enclosed in a secure housing which if compromised, may cause the repository to be disabled (see column 14, lines 1-7). In the case of the server, this constitutes a server trusted component. Stefik further suggests that this is part of ensuring that a system is "trusted," making it possible for them to be depended upon for the distribution of digital works (see column 12, lines 40-52).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Wasilewski by implementing a trusted server component, as disclosed by Stefik, as this makes it possible for them to be depended upon for the distribution of digital works.

Regarding claim 8, though a client authenticates received data streams (see column 9, lines 14-20), Wasilewski does not disclose the client being able to determine the trusted status of other platforms themselves.

Stefik further discloses the checking of a communications partner against a "hotlist" of compromised repositories (see column 27, lines 53-59), and suggests that the integrity of a received stream is assured only by knowledge of its source (see column 13, lines 25-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Wasilewski by



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checking the server against a hotlist, as disclosed by Stéfik, as the integrity of a received stream is assured only by knowledge of its source.

11. Claims 10, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,157,719 to Wasilewski et al. as applied to claims 25 and 29 above, and further in view of U.S. Patent No. 5,990,927 to Hendricks et al.

Wasilewski does not disclose the insertion of advertisements into data streams.

Hendricks discloses the integration of advertisements (i.e. not requested by the client) into the program signal (see column 9, lines 16-23), and suggests that because of this, local cable headends are not constrained to show only programs transmitted from the operations center (see column 7, lines 61-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Wasilewski by allowing for the insertion of advertisements into data streams, so that local cable headends are not constrained to show only programs transmitted from the operations center.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 3, 2006

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JAMES H. LOUIS  
FRESH ECHOES